IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.1300 OF 2003
IN
SUIT NO.1135 OF 1989

Mrs. Li Yung Hseish .... Plaintiff
versus
Mr. C.L. Hseish .... Defendant

R.G. Singh with A.D. Kango for the plaintiffs.
Mrs. J.N. Shah for the defendants.

CORAM : S.U. KAMDAR, J.

DATE : 1ST MARCH, 2005.

P.C. :

1. The present chamber summons is taken out for amendment of the plaint in terms of the schedule. By the schedule the plaintiffs are seeking to challenge the cheque number and the date which is mentioned therein. Learned counsel for the defendant opposes the said chamber summons on the ground that the amendment is belated i.e. after a period of 16 years and in any event according to the defendant the same changes the whole story of the plaint. In my opinion no such ground exists. It is undoubtedly true that there is a delay and the same can be compensated by

awarding cost. In that view of the matter the chamber summons is made absolute in terms of prayer (a). Plaintiff to pay cost of the chamber summons quantified at Rs.2,000/- to the defendant. All contentions on merits are kept open. The defendant will be entitled to file additional written statement in view of the amendment permitted by this chamber summons.

sd/-

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